

TO: Honorable Members of the State Board of Education

FROM: Susan Recce, Assistant Director *SR*

RE: Proposed School Business (6A:23) and Special Education (6A:14) Codes

DATE: June 21, 2006

Thank you for the opportunity to comment on the proposed reauthorization of the school business and special education codes. ASAH speaks for 142 private special education schools serving over 10,000 students in New Jersey.

We first want to thank the State Board and the Department for making several changes to Subchapter 4 of the school business code based on suggestions made by ASAH. We have one additional recommendation, that section 4.5(a)20ii and iii be amended to allow the provision of breakfast or lunch to students if it is written in the IEPs of a majority of students attending the private school. We suggest the following change:

(ii) Effective July 1, 2007 for students when a non-profit approved private school for students with disabilities has not applied for and received funding from the Child Nutrition Program as administered by the New Jersey Department of Agriculture except when the private school has received, on an annual basis at the start of the fiscal year, approval in a majority of the IEPs of students who are enrolled at the school that the private school is not required (school board resolutions from a majority of the school districts that have contracted to send students to the private school in that fiscal year, which resolves the district board of education does not require the private school) to apply for and receive funding from the Child Nutrition Program (CNP);

(iii) (Same insertion as above)

In earlier testimony we spoke of the difficulty some private schools have in obtaining the parental consent needed for students to participate in the Child Nutrition Program. Also, many students come from long distances and their parents may not provide them with food or money to buy lunch. The current language, that private schools receive board resolutions from a majority of their sending school districts, is unwieldy and would be impossible to implement from a practical standpoint. District endorsement of the provision of breakfast or lunch in student IEPs serves the same purpose and does not require an elaborate process involving dozens of school boards.

We also request clarification of the terms “elementary programs” and “secondary programs” as used in 6A:14-4.7(a)2 of the proposed special education code. Part (a)2 specifies a three year age range for elementary special education programs and four years for secondary programs. At what point is a student at an approved private school considered a secondary school student? Is it entry into ninth grade, a departmentalized program or does the sending district specify the student’s status in his/her IEP?

Thank you for considering our comments.